

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 50, 52-56, 58, 60-64, and 67-80 are pending in the present application, Claims 50, 52-56, 58, 60-64, 67, and 68 having been amended, Claims 69-80 having been added, and Claims 51, 59, and 66 having been canceled without prejudice or disclaimer. Support for the present amendment is believed to be self-evident from the originally filed specification.¹ Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 50, 51, 53-55, 58, 59, 61-63 and 66-68 were rejected under 35 U.S.C. §103(a) as unpatentable over Kumon (U.S. Patent No. 5,208,902) in view of Yoshino (U.S. Patent No. 5,289,236); Claims 52 and 62 were rejected under 35 U.S.C. §103(a) as unpatentable over Kumon in view of Yoshino, and further in view of Ishikura et al. (U.S. RE37,812, hereinafter Ishikura); and Claims 56 and 64 were rejected under 35 U.S.C. §103(a) as unpatentable over Kumon in view of Yoshino, and further in view of Okada et al. (U.S. Patent No. 6,611,347, hereinafter Okada).

Applicants respectfully submit that the amended Claim 50 patentably distinguishes over a proper combination of Kumon and Yoshino. Amended Claim 50 recites, *inter alia*,

a setting unit configured to receive a setting that indicates whether a magnification or reduction is to be performed on the image data received by the receiving unit when the substitute recording medium size is to be used...[and]

a zoom unit configured to perform the magnification or the reduction on the image data depending on the setting received by the setting unit when the substitute recording medium size is to be used.

¹ See, for example, page 22, lines 1-5 and page 24, lines 17-23 of the originally filed specification.

Kumon describes detecting the dimensions of a recording medium and deciding the size of an image area.² Page 5 of the Office Action acknowledges that Kumon does not disclose a reducing unit. Kumon also does not disclose the magnification or the reduction described by the above-noted features of Claim 50.

Yoshino does not cure the above-noted deficiencies of Kumon. Col. 8, lines 7-9, of Yoshino refers to setting a magnification by a user. However, this is set at the beginning of a copy operation (Fig. 4, step 1) for using an initial paper size, and is not a magnification that is used “when the substitute recording medium size is to be used.” Yoshino’s Fig. 4, and col. 9, lines 11-20, describe that when the initial paper size is exhausted, that an alternative paper size may be used and step 14 of Fig. 4 changes copy magnification of an original document image to fit the alternative paper size. However, this change in magnification is not a setting, received by a setting unit, that indicates *whether* a magnification or reduction is to be performed on the image data received by the receiving unit when the substitute recording medium size is to be used. Yoshino does not disclose a setting, received by a setting unit, that indicates whether step 14 of Fig. 4 is to be performed. Thus, Yoshino does not disclose the above-noted elements of amended Claim 50.

Given the above-noted deficiencies in Kumon and Yoshino, Applicants respectfully submit that a person of ordinary skill in the art could not properly combine these references to arrive at the invention defined by Claim 50. Thus, Claim 50 (and any claims dependent thereon) patentably distinguish over a proper combination of Kumon and Yoshino. Claim 58, 67, and 68 recite features analogous to those of Claim 50. Applicants respectfully submit that Claims 58, 67, and 68 (and any claims dependent thereon) patentably distinguish over a proper combination of Kumon and Yoshino, for at least the reasons stated for Claim 50.

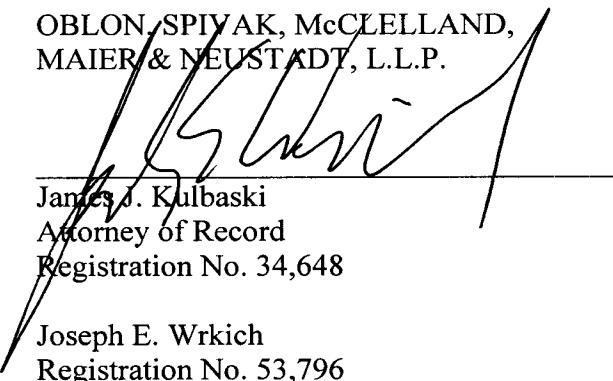
² Kumon, col. 1, lines 59-68.

Addressing each of the further rejections, each of the further rejections is also traversed by the present response as no teachings in any of the further cited references to Ishikura and Okada can overcome the above-noted deficiencies of Kumon and Yoshino. Accordingly, it is respectfully requested that those rejections be withdrawn for similar reasons as discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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